



REGISTRAR GENERAL'S OFFICE ASSESSMENT

Submitted by:

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Chemonics International Inc.

A USAID-funded Project
Contract # PCE-I-00-99-00007-00

July 18, 2001

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REGISTRAR GENERAL'S OFFICE
SPEED PROJECT

***Status Report*¹**

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May 5, 2001 – June 1, 2001

I. INTRODUCTION

This Report was prepared during a visit to Uganda from May 5, 2001 to June 1, 2001 as part of the USAID-funded SPEED Project. SPEED is a multi-component project aimed at supporting commercial legal and regulatory reform, micro enterprises, and small and medium businesses. As part of its Business Environment Component, SPEED is attempting to create a business-friendly environment, by, among other things, providing support and technical assistance to the land registration system. SPEED is working with the Registrar General's Office of registries and other stakeholders pursuant to a Memorandum of Understanding between the governments of Uganda and the United States.

The two short-term technical advisors comprising the SPEED team were asked to assess the organizational structure, financial needs, and information and administrative systems of the Registrar General's Office². It was also asked to develop recommendations regarding organizational changes and improvements and upgrading of systems to help move the registry towards organizational and financial self-sustainability as a potential Executive Agency. The consultants were also asked to prepare a business plan identifying sources and uses of funds and the role and responsibilities of the registry, the SPEED project, and other donors. Further, the consultants created a work schedule indicating proposed dates for purchase and installation of equipment, training activities, and maintenance programs. Accordingly, the consultants held numerous meetings and interviews with the Acting Registrar General and her staff during the duration of the STTA.³

The Registrar General's Office in Uganda has been the subject of substantial study by international consultants and Ugandan experts over the past 10 years. Numerous reports, studies, and plans have been written. Almost all of these studies contain similar findings and recommendations.

¹ Edited in Kampala, Uganda.

² The initial focus of the USAID/SPEED Task Order was on the improving the Company Registry. Upon arrival in Kampala it was determined that the Company Registry was so inextricably intertwined with the overall operation of the Registrar General's office, of which it is a part, that improvement of the registry alone would not achieve the desired goals. Accordingly, the Project determined to upgrade the overall operation of the Registrar General's office starting first with the Company Registry.

³ See, Annex 1 for a summary of these meetings.

The Government of Uganda has, for the most part, endorsed these findings and recommendations in its Uganda Registry Services Act of 1998, and other policy documents, but to date the resources for implementation have not been available. Given the depth and breadth of study and assessment that have been done previously, and the general agreement over recommendations, there is no need to repeat what is already known. Accordingly, this report incorporates by reference to the previous studies.

SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS

Generally, the Registrar General's office, including the Companies Registry, has been subject to neglect by the GOU for a substantial period. It has not been properly funded or provided with adequate resources in recent memory. This has resulted in a deplorable physical plant and low employee morale.

Further, as the GOU was recently reorganized due to, among other things, lack of adequate funding, the Registrar General's office and the registries it administers have taken on tasks and responsibilities that are inconsistent with their design, capacity and legal competency. For example the office is currently tasked with maintaining the register of births and deaths for the entire country, although it receives no reports from outside Kampala and has no resources to travel outside the city to compile this information. Moreover, this information would be better collected, analyzed and administered by a different GOU component, for example, the Uganda Bureau of Statistics.

As a result, compliance with the Companies Act and other laws administered by the Registrar General is very low. Further, extremely low fines currently authorized for noncompliance do not help the situation.

Our assessment determined that although the office is currently in terrible condition, the level of activity within the Companies Registry, among the other registries is not great⁴. Further, our assessment indicated that the introduction of information technology is badly needed. The work plan developed as part of this visit includes allocation of resources toward development of a modest computerized filing and indexing system for files and documents.

We note the terrible storage and filing conditions currently existing within the registry. Files are piled randomly throughout the office. They are exposed to the extreme humidity and heat usually found within Kampala office buildings which generally have no environmental control whatsoever. Many of the files are situated exactly where they were placed when the office was moved by prison inmates 18 months ago. As a result, the registries are faced with difficult records preservation and rehabilitation challenges that should be addressed as soon as possible.

The registries are inefficiently staffed and currently understaffed due to the aforementioned neglect by the GOU. The office will require upgrading of staff to complete work related to the information technology functions contemplated by the

⁴ See, Annex 4 for a table setting forth the results of our analysis of the activity levels among the various registries.

work plan. Further, the number of attorneys may be reduced as the result of efficiency gains. Many of the existing work force will need retraining in the new procedures and policies developed pursuant to the work plan for upgrading the operations of the registries.

In addition, the office does not currently operate in compliance with current Ugandan law. This is the result of the confused and disjointed legal and regulatory environment existing in the country for the last 15-20 years. Accordingly, certain laws, rules and regulations must be identified, superseded, amended or repealed as the office is upgraded. In addition, current registration requirements can be improved and simplified. For example, we recommend that the registration requirements of the Uganda Registry Bureau of Services Act be updated and simplified. Further, we understand that the GOU has plans to substantially amend the Companies Act and the Chattels Transfer Decree. The project will need to coordinate its work plan relating to conforming the law to the agreed upon functions and operations of the registries with the GOU.

We have been informed that the office is scheduled to move into new premises during the summer of 2001. The new office space reserved for the office, its registry and archives will undoubtedly be found unsuitable for the filing and storage of fragile paper documents. Further, the space itself must be examined for, among other things, climate control, appropriate security and customer access. Work with respect to this item should begin as soon as possible, as the timetable for the move is set by the GOU and the Office of the Solicitor General.

We note the office does not collect fees related to its activities and therefore cannot determine how much revenue its operations contribute to the GOU treasury. Without this essential data, we are unable to determine its financial position nor opine with respect to its pricing model, other than to say, its fees are currently set too low for the services it provides. Additional information is required before we can develop a pricing and operational model that would make the office self-sufficient.

Further, we have been informed that other donors will be assisting the Registrar General's office. For example, UNICEF apparently plans to assist the office in upgrading the Births and Deaths register, among other functions carried on in the Vital Statistics Registry. SPEED will need to determine the breadth and scope of this assistance so that it can coordinate its activities to avoid any overlap or duplication of effort.

The recommendations of the SPEED team are reflected in the attached work plan for the next 7 months.⁵ The following scheduled activities are set forth in the work plan:

- Improve the efficiency and operations of the Registrar General's Office in conformity with principles of modern management and through the use of information technology.
- Preservation of existing registry records⁶.

⁵ See. Annex 2 for a copy of the work plan. An initial seven-month work plan was developed to schedule program activities until the end of the current calendar year. Subsequent work plans will be produced prior to the end of each calendar year.

- Improve the capabilities of the registries in the following order; Company, Document, Business Names, Trademark & Patents, and the Vital Statistics with a view toward creating a more business friendly environment through greater dependability of the indices and document storage and retrieval systems.
- Assist in preparing interim amendments to the Uganda Registry Bureau of Services Act to simplify the registration processes.
- Assist in the restructuring of service fees to allow for a self supporting Registrar General's Office.
- Develop a modern management model for the office taking into account new IT functions and efficiency gains.
- Coordinate and plan accommodation for future changes in Ugandan law relating to the registries.

Thoughts About Timing

The initial focus is to establish a functional registry capable of effectively fulfilling its mandate to store and manage legally significant documents and information on behalf of the citizen's of Uganda. This work will target the creation of a functional computerized index of the information managed by the Registrar General.

We note that components of the current Ugandan commercial justice reform program are expected to produce recommendations that may alter the quantity and type of information that the Registrar General will need to store and manage in the future. Thus the final design of the databases to be used for storage and retrieval of the Registrar General's data will have to be coordinated with any recommendations produced by the program- as these recommendations become available (preliminary recommendations from the commercial justice reform working group are due in October, 2001).

The long-term focus of the Registrar General's organization is to establish access points for filing and data retrieval in districts across Uganda. This desire to share information across large distances will emphasize the need for electronic storage and retrieval of document images (via scanning of paper based documents). Although the cost of full implementation of such a system is beyond the scope of the resources of the SPEED project, the IT developed for the Registrar General's office will be designed with a view toward seamless integration with future improvements in the overall system.

Registrar General's Office Implementation

The government of Uganda is implementing a comprehensive Registry Bureau Service Reform Act. The most efficient and effective use of resources of both the GOU and the Project would be achieved through cooperative efforts among SPEED, the Ministry of Justice and Constitutional Affairs, the Uganda Law Reform Committee, and the Registrar General's Office.

⁶ See, Annex 5 for a copy of a draft Scope of Work for an international consulting expert Archivist to assist with respect to the move of the Registrar General's office to new premises and develop a program to file, preserve, and rehabilitate crucial registry documents.

Accordingly, we recommend that SPEED act in partnership with these GOU entities to work toward successful accomplishment of the goals and tasks agreed upon by the above stakeholders. We recommend that the understanding between the office of the Registrar General and SPEED be set forth in a Letter of Understanding among the stakeholders which would describe the relevant responsibilities and obligations. A draft LOU has been prepared and submitted to the Registrar General for discussion.⁷

Project Coordinator

The SPEED proposed work plan includes provision of short-term technical assistance as required. During the periods when short-term experts are not in Uganda working with our counterparts, it is critical that work continue at the Registry and elsewhere. Accordingly, SPEED recommends that a project supervisor be selected from within the Registrar General's Office to assure that momentum is maintained⁸. We met with the Acting Registrar General to discuss this idea and the role of the coordinator. After initial reluctance, the RG agreed to our proposals. We recommend that details of this agreement be set forth in the Letter of Understanding.

Next Steps

SPEED proposes to engage an expert in archives and document storage and preservation with a view toward developing a solution to, among other things, the issue of preservation of critical registry documents and the anticipated move of documents to the new registry location in Kampala. Further, SPEED proposes to discuss with the Registrar General's Office the timing and implementation of the move, and in what respects SPEED can assist.

Further, SPEED, in consultation with its counterparts in the Registry, will shortly determine what additional technical assistance is required to implement its work plan and any other agreed upon activities. Then, SPEED can consider and schedule provision of any necessary short-term technical assistance.

⁷ See, Annex 6 for a copy of the draft Letter of Understanding.

⁸ See, Annex 3 for a copy of the draft Scope of Work for the proposed project coordinator.